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OGC Has Reviewed

Assistant Chief, Fiscal Division

17 December 1948

Office of the General Counsel

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Quarters Allowances - [REDACTED]

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1. Your memorandum of 7 December 1948 requested our opinion regarding the necessity for obtaining a new authorization from the Director for certain personnel within the scope of [REDACTED] dated 25 October 1947.

2. The Instruction of 25 October 1947 superseded a previous Instruction dated 31 October 1946, but there is no conflict between the two Instructions in regard to the quarters allowance grouping within Group 2. The later Instruction is clearer, but, in fact, if not in terminology, the two are identical. The memorandum of 15 October 1947 referred specifically to the earlier Instruction and simply provided approval which was authorized by the Instruction. Although the memorandum referred specifically to the first Instruction, the reference seems primarily for justification of authority, and in view of the fact that such authority was neither superseded nor modified by the later Instruction, we do not believe it is necessary to obtain a new approval from the Director.

3. As the result of recent discussions with the legal representative of the Department of State, it is understood that the problem presented here will be moot after the first pay period of 1949 which includes 2 January. At that time, the new Standardized Government Civilian Allowance Regulations become effective. The Regulations are issued by the State Department under the authority delegated by the President in Executive Order 10011 of October 22, 1948. By interpretation of the State Department, with concurrence of the Bureau of the Budget, any exceptions to the maximum Quarters Allowances (Regulations, Section 9.3) apply only to Foreign Service personnel - or, in our case, designees. For all other personnel, the limits contained within the table are inflexible. Thus, the only manner in which a CAF-12, regardless of his duties, could be entitled to the allowances of Group 2 would be by an increase in classification to conform with the table.

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